

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	EMMANUEL CABALLERO,	Case No. 3:21-cv-00039-MMD-WGC
4	Plaintiff	<b>ORDER</b>
5	v.	
6	DR. VERNE E. LEWIS, et al.,	
7	Defendants	
8		

9           **I. DISCUSSION**

10           On January 15, 2021, Plaintiff, an inmate in the custody of the Nevada Department  
 11 of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF  
 12 No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an  
 13 application to proceed *in forma pauperis*.

14           Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
 15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
 16 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the  
 17 inmate must submit all three of the following documents to the Court:

- 18           (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this  
                  Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on  
                  page 3),
- 19           (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
                  official (i.e. page 4 of this Court’s approved form), and
- 20           (3) a copy of the **inmate’s prison or jail trust fund account statement for the**  
                  **previous six-month period**.

25           The Court will grant Plaintiff a **one-time** opportunity to file a fully complete  
 26 application to proceed *in forma pauperis* containing all three of the required documents,  
 27 or in the alternative, pay the full \$402 filing fee for this action on or before **March 29,**  
 28 **2021**. Absent unusual circumstances, the Court will not grant any further extensions of

1 time.

2 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*  
3 with all three required documents or pay the full \$402 filing fee on or before **March 29,**  
4 **2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case  
5 with the Court when Plaintiff is either able to acquire all three of the documents needed  
6 to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing  
7 fee.

8 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
9 case with the Court, under a new case number, when Plaintiff has all three documents  
10 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff  
11 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
12 full filing fee of \$402 on or before **March 29, 2021** to proceed with this case.

13 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court  
14 will not file the complaint unless and until Plaintiff timely files a fully complete application  
15 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
18 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well  
19 as the document entitled information and instructions for filing an *in forma pauperis*  
20 application.

21 IT IS FURTHER ORDERED that on or before **March 29, 2021**, Plaintiff will either  
22 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52  
23 administrative fee) or file with the Court:

- 24 (1) a completed Application to Proceed *in Forma Pauperis* for Inmate on this  
25 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
26 signatures on page 3),  
27 (2) a Financial Certificate properly signed by both the inmate and a prison or jail  
28 official (i.e. page 4 of this Court's approved form), and

1                   (3) a copy of the inmate's prison or jail trust fund account statement for the  
2 previous six-month period.

3                   IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
4 application to proceed *in forma pauperis* with all three documents or pay the full \$402  
5 filing fee for a civil action on or before **March 29, 2021**, this case will be subject to  
6 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case  
7 number, when Plaintiff has all three documents needed to file a complete application to  
8 proceed *in forma pauperis* or pays the full \$402 filing fee.

9                   IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
10 (ECF No.1-1) but will not file it at this time.

11                  DATED: January 21, 2021

12                  William G. Cobb  
13                  UNITED STATES MAGISTRATE JUDGE

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